

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-2188-MWD-E TCEQ ID: RN102314432 CASE NO.: 31854
RESPONDENT NAME: Texas Department of Criminal Justice

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Estelle Unit, 264 Farm-to-Market Road 3478, Huntsville, Walker County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 28, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768</p> <p>TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Team I, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p>Respondent: Mr. Charles Marsh, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342</p> <p>Mr. Frank Inmon, Director, Facilities Division, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342</p> <p>Mr. Howard Gray, Environmental Specialist IV, Engineering/Environmental, Wastewater, Texas Department of Criminal Justice, P.O. Box 99, Huntsville, Texas 77342-0099</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: November 1 and 3, 2006</p> <p>Dates of NOEs Relating to this Case: November 16 and December 12, 2006 (NOEs)</p> <p>Background Facts: These were routine investigations. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11180002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6].</p> <p>2) Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with permit conditions. Specifically, four of ten oxidation ditch rotors, two of three clarifiers and the mechanical screw barscreen were inoperable, chlorine contact basin no. 1 contained 1.5 feet of sludge in 7 feet of water and chlorine contact basin no. 2 contained 4 inches of sludge in 7 feet of water [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Operational Requirements No. 1].</p> <p>3) Failed to timely submit noncompliance reports to the TCEQ in writing within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, failed to submit noncompliance reports for the months of December 2005 and September 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Monitoring and Reporting Requirements No. 7(c)].</p>	<p>Total Assessed: \$40,280</p> <p>Total Deferred: \$8,056 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$32,224</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that TDCJ has implemented the following corrective measures at the Facility:</p> <p>a. On August 8, 2006, ordered a new bar screen for installation at the Facility;</p> <p>b. On November 5, 2006, removed the sludge from the chlorine contact basins;</p> <p>c. On November 10, 2006, employed a certified wastewater operator holding a category B license;</p> <p>d. On December 1, 2006, submitted the noncompliance report for the month of September 2006;</p> <p>e. On December 21, 2006, clarifier no. 3 was rehabilitated and brought online;</p> <p>f. On January 23, 2007, installed the four repaired oxidation rotors; and</p> <p>g. On January 24, 2007, submitted the noncompliance report for the month of December 2005.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, submit documentation that all clarifiers and all bar screens are operational and in service at the Facility;</p> <p>b. Within 120 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. 11180002; and</p> <p>c. Within 135 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b.</p>

4) Failed to employ a wastewater operator holding a category B license or higher from September 1 through November 9, 2006. Specifically, the certified operator onsite held a category C license [30 TEX. ADMIN. CODE § 30.331(b) and 30.350(d), and TPDES Permit No. 11180002, Other Requirements No. 1].		
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Attachment A
Docket Number: 2006-2188-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Department of Criminal Justice
Payable Penalty Amount:	Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224)
SEP Amount:	Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Walker County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	20-Nov-2006
	PCW	1-Dec-2006
	Screening	21-Nov-2006
	EPA Due	5-Dec-2006

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Criminal Justice		
Reg. Ent. Ref. No.	RN102314432		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	31854	No. of Violations	4
Docket No.	2006-2188-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **125% Enhancement** **Subtotals 2, 3, & 7** **\$19,000**

Notes The Respondent self-reported 14 months of effluent quality violations and was issued 11 written NOV's for same or similar violations.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

50% Enhancement* **Subtotal 6** **\$7,600**

Total EB Amounts	\$51,748
Approx. Cost of Compliance	\$632,874

**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$41,800**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-4%** **Adjustment** **-\$1,520**

Notes Recommended reduction to prevent double-enhancement of the penalty for same or similar violations that were not self-reported.

Final Penalty Amount **\$40,280**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$40,280**

DEFERRAL **20% Reduction** **Adjustment** **-\$8,056**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$32,224**

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 31854

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102314432

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	25	125%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 125%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent self-reported 14 months of effluent quality violations and was issued 11 written NOVs for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 125%

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 31854

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102314432

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 11180002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6

Violation Description Failed to comply with permitted effluent limitations as detailed in the effluent chart, as documented by an investigation conducted on November 1, 2006 and a record review conducted on November 3, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was utilized to evaluate the values for copper and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Chlorine and dissolved oxygen were also evaluated. The amounts discharged at the time of the violations were insignificant amounts of pollutants which did not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

124 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$26,500

This violation Final Assessed Penalty (adjusted for limits) \$26,500

Economic Benefit Worksheet

Respondent: Texas Department of Criminal Justice
Case ID No.: 31854
Reg. Ent. Reference No.: RN102314432
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 31854

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102314432

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11180002, Operational Requirements No. 1

Violation Description

Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with permit conditions. Specifically, four of ten oxidation ditch rotors, two of three clarifiers and the mechanical screw barscreen were inoperable, chlorine contact basin no. 1 contained 1.5 feet of sludge in 7 feet of water and chlorine contact basin no. 2 contained 4 inches of sludge in 7 feet of water, as documented by an investigation conducted on November 1, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

21 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date on November 1, 2006 through the screening date on November 21, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51,721

Violation Final Penalty Total \$6,625

This violation Final Assessed Penalty (adjusted for limits) \$6,625

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 31854
Reg. Ent. Reference No. RN102314432
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$630,324	1-Dec-2005	23-Jul-2007	1.6	\$51,721	n/a	\$51,721

Notes for DELAYED costs

Estimated cost associated with bringing the two inoperable clarifiers online, repair of the rotors and barscreen, and removal of the sludge in the chlorine contact chambers. Date Required is the initial month of effluent quality noncompliance. Final Date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$630,324

TOTAL

\$51,721

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 31854

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102314432

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 11180002, Monitoring and Reporting Requirements No. 7(c)

Violation Description

Failed to timely submit noncompliance reports to the TCEQ in writing within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%. Specifically, failed to submit noncompliance reports for the months of December 2005 and September 2006, as documented by an investigation conducted on November 1, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

320 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended for the two reports.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$530

This violation Final Assessed Penalty (adjusted for limits) \$530

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 31854
Reg. Ent. Reference No. RN102314432
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	5-Jan-2006	24-Jan-2007	1.1	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost associated with submitting the notice. Date Required is the date the December 2005 report was due. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Respondent Texas Department of Criminal Justice

Policy Revision 2 (September 2002)

Case ID No. 31854

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102314432

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 30.331(b) and 30.350(d), and TPDES Permit No. 11180002, Other Requirements No. 1

Violation Description

Failed to employ a wastewater operator holding a category B license or higher from September 1 through November 9, 2006. Specifically, the certified operator onsite held a category C license, as documented by an investigation conducted on November 1, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

69 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended for the period of noncompliance from September 1 to November 9, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$6,625

This violation Final Assessed Penalty (adjusted for limits) \$6,625

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 31854
Reg. Ent. Reference No. RN102314432
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	1-Sep-2006	10-Nov-2006	0.2	\$24	n/a	\$24

Notes for DELAYED costs

Estimated difference in cost providing a B licensed operator instead of a C licensed operator for that period. Date Required is the date of the noncompliance. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$24

Texas Department of Criminal Justice
 RN102314432
 Docket No. 2006-2188-MWD-E
 Violation Chart

Month / Date	Dissolved Oxygen Minimum Limit = 5.0 mg/L	Daily Average Copper Limit = 0.042 mg/L	Daily Maximum Copper Limit = 0.0893 mg/L	Chlorine Residual Minimum Grab = 1.0 mg/L	Chlorine Limit After Dechlorination < 0.1 mg/L
12/2005	c	0.067	0.454	c	0.10
05/2006	c	c	c	c	1.7
06/2006	c	c	c	c	1.7
08/2006	4.1	c	c	c	c
11/01/2006 Region Documented Grab Sample	c	c	c	0.40	c

mg/L = milligrams per liter

Compliance History

Customer/Respondent/Owner-Operator: CN601550650 Texas Department of Criminal Justice Classification: AVERAGE Rating: 2.66
Regulated Entity: RN102314432 TDCJ ESTELLE UNIT Classification: AVERAGE Site Rating: 2.61
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # (SWR) 83650
INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TXR000068866
WASTEWATER PERMIT WQ0011180002
WASTEWATER PERMIT TPDES0092789
WASTEWATER PERMIT TX0092789
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2360067
AIR NEW SOURCE PERMITS ACCOUNT NUMBER WA0040C
AIR NEW SOURCE PERMITS PERMIT 50113
AIR NEW SOURCE PERMITS REGISTRATION 50113
AIR NEW SOURCE PERMITS REGISTRATION 53617
AIR NEW SOURCE PERMITS REGISTRATION 76583
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 48484
WATER LICENSING LICENSE 2360067
WASTEWATER LICENSING LICENSE WQ0011180002
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 83650
Location: 264 FM RD 3478 RD, HUNTSVILLE, WALKER COUNTY, TX Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: January 23, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 23, 2002 to January 23, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Laurie Eaves Phone: 512/239-4495

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/07/2005 (425315)
- 2 07/20/2005 (400284)
- 3 04/07/2005 (425316)
- 4 07/09/2003 (247461)
- 5 09/03/2003 (152902)
- 6 09/03/2004 (362236)
- 7 11/03/2004 (362237)
- 8 12/08/2005 (433947)
- 9 08/25/2004 (362238)
- 10 10/06/2006 (531053)
- 11 07/11/2006 (483250)
- 12 06/26/2002 (93974)
- 13 06/26/2002 (93975)
- 14 06/26/2002 (93976)
- 15 04/06/2006 (477873)

16 11/09/2005 (477874)
17 09/25/2006 (526640)
18 10/18/2006 (526641)
19 08/25/2006 (526642)
20 06/05/2003 (35599)
21 07/07/2005 (445883)
22 09/16/2005 (445884)
23 04/01/2005 (392444)
24 12/13/2006 (531386)
25 10/04/2004 (371170)
26 09/16/2005 (445885)
27 09/30/2005 (445886)
28 08/29/2005 (445887)
29 11/04/2005 (445888)
30 04/14/2003 (214679)
31 11/15/2002 (214678)
32 10/01/2002 (214676)
33 01/06/2003 (333100)
34 01/14/2003 (247460)
35 04/19/2006 (504298)
36 09/03/2002 (214674)
37 11/16/2006 (518401)
38 05/18/2006 (504299)
39 03/25/2004 (319190)
40 06/01/2006 (504300)
41 07/30/2002 (214672)
42 07/28/2004 (319191)
43 07/28/2004 (319192)
44 07/28/2004 (319193)
45 06/26/2003 (214670)
46 09/25/2003 (319194)
47 07/22/2002 (214669)
48 10/09/2003 (319195)
49 10/09/2003 (319196)
50 01/06/2004 (333101)
51 11/21/2003 (319197)
52 06/26/2003 (214667)
53 07/22/2002 (214666)
54 06/26/2003 (214664)
55 09/09/2004 (285638)
56 04/29/2002 (214663)
57 03/19/2003 (214661)
58 07/08/2004 (333102)
59 04/01/2002 (214660)
60 03/19/2003 (214658)
61 02/28/2002 (214657)
62 04/07/2005 (425312)
63 09/01/2006 (510534)
64 04/07/2005 (425313)
65 06/20/2005 (425314)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/09/2003 (247461)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2005 (445888)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/06/2006 (531053)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2005 (477874)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (526640)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (526641)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/19/2005 (400284)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT IA
Description: Failure to properly maintain the chlorine contact basins.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.7(d)
Description: Failure to provide non-potable water signs, as required.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.8(1)
Rqmt Prov: PERMIT IA
Description: Failure to submit the Discharge Monitoring Reports by the submittal due date and to ensure that each of the DMRs are signed and dated by the principal executive officer or by a person delegated to sign the DMRs.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Rqmt Prov: PERMIT IA
Description: Failure to adequately maintain discharge monitoring reports (DMRs) and records of sludge analyses.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Description: Failure to provide a National Institute of Standards and Technology (NIST) traceable thermometer for the composite sampler and to maintain the composite sampler at 4 degrees C.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to properly maintain the wastewater treatment plant.

Date: 06/30/2005 (425314)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/01/2005 (392444)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/04/2004 (371170)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/14/2003 (247460)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/02/2003 (152902)

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: The wastewater treatment plant effluent exceeded the permitted daily maximum chlorine residual concentration of 0.099 mg/L on April 6th, 8th, 9th, and 22nd of 2003.

Date: 01/06/2003 (333100)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2005 (445885)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2004 (333101)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2002 (214663)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (445886)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (214661)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/08/2004 (333102)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2005 (445887)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (425312)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (425313)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/05/2003 (35599)
Self Report? NO Classification: Moderate
Rqmt Prov: OP IA
Description: The wastewater treatment plant effluent exceeded the permitted daily maximum chlorine residual concentration of 0.099 mg/L on April 6th, 8th, 9th, and 22nd of 2003.

Date: 12/31/2005
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE
RN102314432**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2188-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Texas Department of Criminal Justice ("TDCJ") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and TDCJ appear before the Commission and together stipulate that:

1. TDCJ owns and operates a wastewater treatment facility located at 264 Farm-to-Market Road 3478, Huntsville, Walker County, Texas (the "Facility").
2. TDCJ has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and TDCJ agree that the Commission has jurisdiction to enter this Agreed Order, and that TDCJ is subject to the Commission's jurisdiction.
4. TDCJ received notice of the violations alleged in Section II ("Allegations") on or about November 21 and December 17, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TDCJ of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Forty Thousand Two Hundred Eighty Dollars (\$40,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224) shall be conditionally offset by TDCJ's completion of a Supplemental Environmental Project and Eight Thousand Fifty-Six Dollars (\$8,056) is deferred contingent upon TDCJ's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If TDCJ fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TDCJ to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and TDCJ have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that TDCJ has implemented the following corrective measures at the Facility:
 - a. On August 8, 2006, ordered a new bar screen for installation at the Facility;
 - b. On November 5, 2006, removed the sludge from the chlorine contact basins;
 - c. On November 10, 2006, employed a certified wastewater operator holding a category B license;
 - d. On December 1, 2006, submitted the noncompliance report for the month of September 2006;
 - e. On December 21, 2006, clarifier no. 3 was rehabilitated and brought online;
 - f. On January 23, 2007, installed the four repaired oxidation rotors; and
 - g. On January 24, 2007, submitted the noncompliance report for the month of December 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that TDCJ has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, TDCJ is alleged to have:

1. Failed to comply with permitted effluent limitations as detailed in the effluent chart below, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11180002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, as documented during an investigation conducted on November 1, 2006 and a record review conducted on November 3, 2006.

Month / Date	Dissolved Oxygen Minimum Limit = 5.0 mg/L	Daily Average Copper Limit = 0.042 mg/L	Daily Maximum Copper Limit = 0.0893 mg/L	Chlorine Residual Minimum Grab = 1.0 mg/L	Chlorine Limit After Dechlorination < 0.1 mg/L
12/2005	c	0.067	0.454	c	0.10
05/2006	c	c	c	c	1.7
06/2006	c	c	c	c	1.7
08/2006	4.1	c	c	c	c
11/01/2006 Region Documented Grab Sample	c	c	c	0.40	c

mg/L = milligrams per liter

2. Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with permit conditions, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Operational Requirements No. 1, as documented during an investigation conducted on November 1, 2006. Specifically, four of ten oxidation ditch rotors, two of three clarifiers and the mechanical screw barscreen were inoperable, chlorine contact basin no. 1 contained 1.5 feet of sludge in 7 feet of water and chlorine contact basin no. 2 contained 4 inches of sludge in 7 feet of water.
3. Failed to timely submit noncompliance reports to the TCEQ in writing within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on November 1, 2006. Specifically, failed to submit noncompliance reports for the months of December 2005 and September 2006.

4. Failed to employ a wastewater operator holding a category B license or higher from September 1 through November 9, 2006, in violation of 30 TEX. ADMIN. CODE § 30.331(b) and 30.350(d), and TPDES Permit No. 11180002, Other Requirements No. 1, as documented during an investigation conducted on November 1, 2006. Specifically, the certified operator onsite held a category C license.

III. DENIALS

TDCJ generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that TDCJ pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and TDCJ's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2006-2188-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. TDCJ shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224) of the assessed administrative penalty shall be offset with the condition that TDCJ implement the SEP defined in Attachment A, incorporated herein by reference. TDCJ's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that TDCJ shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, submit documentation that all clarifiers and all bar screens are operational and in service at the Facility;
 - b. Within 120 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. 11180002; and
 - c. Within 135 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

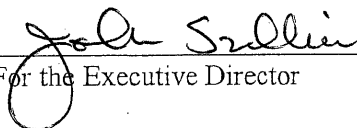
4. The provisions of this Agreed Order shall apply to and be binding upon TDCJ. TDCJ is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
5. If TDCJ fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, TDCJ's failure to comply is not a violation of this Agreed Order. TDCJ shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TDCJ shall notify the Executive Director within seven days after TDCJ becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by TDCJ shall be made in writing to the Executive Director. Extensions are not effective until TDCJ receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against TDCJ in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to TDCJ, or three days after the date on which the Commission mails notice of the Order to TDCJ, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

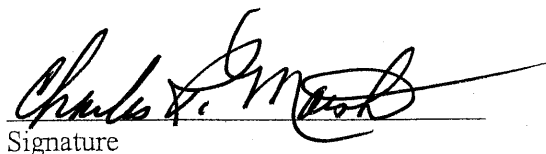
7/25/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3/18/07
Date

Charles Marsh

Name (Printed or typed)
Authorized Representative of
Texas Department of Criminal Justice

Chief Financial Officer

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

4/5/8/4

1/2/8/4

1/2/8/4

1/2/8/4

Attachment A
Docket Number: 2006-2188-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Department of Criminal Justice
Payable Penalty Amount:	Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224)
SEP Amount:	Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up
Location of SEP:	Walker County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

